

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA	:	
	:	
v.	:	
	:	
ANGEL JOSE RIVERA DE JESUS	:	1:23CR5-1
ALEX MANUEL COLON CORREA	:	1:23CR5-2
GIBRAN [NMN] CABRERA	;	1:23CR5-3

FACTUAL BASIS

NOW COMES the United States of America, by and through Sandra J. Hairston, United States Attorney for the Middle District of North Carolina, and as a factual basis under Rule 11, Fed. R. Crim. P., states the following:

In early October 2022, an Alcohol, Tobacco, Firearms, and Explosives (ATF) confidential informant (CI) stated he met ANGEL JOSE RIVERA DE JESUS and learned that he and others distributed marijuana, Percocet pills, methamphetamine, and firearms.

On October 10, 2022, RIVERA DE JESUS sent the CI a photo of a Glock 43x that he offered to sell for \$1,100, which the CI agreed to purchase the following day. October 11, 2022, an ATF Undercover Agent (UC) and the CI met with RIVERA DE JESUS and ALEX MANUEL COLON CORREA at the McDonald's, 110 Hanes Mall Circle, Winston-Salem. CORREA, seated in the passenger seat, was holding the same Glock 43x from the picture RIVERA sent.

The UC paid RIVERA DE JESUS and CORREA \$1,100 for the firearm. The firearm is identified as a Glock, model 43x, 9mm pistol, serial number AFLR686. This firearm meets the statutory definition of “firearm” as set forth in 18 U.S.C. § 921(a)(3). This firearm had been reported stolen on June 9, 2022, out of Davidson County, NC. When asked if they regularly obtained firearms, RIVERA DE JESUS answered in the affirmative and stated they could obtain and sell “AKs, ARPs.” This transaction was audio/video recorded and the funds utilized had been prerecorded.

On October 13, 2022, an ATF CI asked RIVERA DE JESUS if he had any firearms for sale and RIVERA DE JESUS stated his associate had a Canik for sale for \$1,200. The ATF UC and CI met with RIVERA DE JESUS and GIBRAN [NMN] CABRERA in the same McDonald’s parking lot. When the UC and CI arrived, CABRERA handed the UC the Canik firearm and RIVERA DE JESUS was armed with an additional firearm during the transaction. Both CABRERA and RIVERA DE JESUS made statements regarding the magazine capacity of the Canik, which was 33 rounds in the extended magazine and 18 rounds in the stock magazine. The UC paid CABRERA \$1,200 for the Canik. The firearm is identified as a Canik, model TP-9, 9mm pistol, serial number 21AP030984. This firearm meets the statutory definition of “firearm” as set forth in 18 U.S.C. § 921(a)(3). The UC asked

RIVERA DE JESUS about the firearm he was holding and both RIVERA DE JESUS and CABRERA stated they wanted \$800 for it; however, they could not sell it for a couple of days. The UC inspected the firearm and identified it as a “ghost gun” or Privately Made Firearm. The UC asked if they had the ability to acquire more and CABRERA said, “I make them.” RIVERA DE JESUS told the UC that they were currently attempting to acquire a fully automatic AR rifle. CABRERA tried to sell the UC a holster for the Canik for \$100, which he refused. This transaction was audio/video recorded and the funds utilized had been prerecorded.

On October 14, 2022, RIVERA DE JESUS attempted to sell the ATF UC and CI a Glock, model 20, 10mm pistol for \$2,000 which the UC refused. RIVERA DE JESUS stated he was still attempting to acquire the fully automatic AR rifle and that he would have a semi-automatic AR rifle the following Friday (October 28, 2022).

On October 17, 2022, RIVERA DE JESUS attempted to sell the ATF UC and CI a semi-automatic AR rifle. Later this same day, the UC purchased the same “ghost gun” or Privately Made Firearm previously possessed by RIVERA DE JESUS on October 14, 2022, for \$760. This firearm was sold by CABRERA. The firearm is identified as a Polymer80 9mm pistol, bearing no serial number. This firearm meets the statutory definition of “firearm” as set

forth in 18 U.S.C. § 921(a)(3). The UC accidentally shorted CABRERA \$100 during the transaction. RIVERA DE JESUS was armed with the Glock, model 20, 10mm pistol during this transaction. RIVERA DE JESUS told the UC that they were acquiring three Glocks later in the week, which he described as a “23, 27,” and CABRERA interjected, “a 45.” CABRERA showed the UC a photo of the AR rifle that RIVERA DE JESUS had sent the CI earlier and the UC stated they could further discuss that firearm.

On October 24, 2022, RIVERA DE JESUS offered to sell the ATF UC a Glock with an affixed switch and a “ghost gun” or Privately Made Firearm for \$3,500 total. RIVERA DE JESUS texted “Glock with switch on me - Full auto – 45,” and sent pictures where the switch was observed by the UC. The UC negotiated the price down to \$3,200 for both firearms. Two ATF UCs met with RIVERA DE JESUS, CORREA, and CABRERA. UC1 purchased a “ghost gun” or Privately Made Firearm from CABRERA for \$1,200 and a Glock, model 21Gen4, .45 caliber pistol from CORREA and RIVERA DE JESUS with an affixed machinegun conversion device (Glock Switch) for \$2,000. The firearms are identified as a Glock, model 21Gen4, .45 caliber pistol, serial number STL147 and a Polymer80 9mm pistol, bearing no serial number. Both firearms meet the statutory definition of “firearm” as set forth in 18 U.S.C. § 921(a)(3). RIVERA DE JESUS and CORREA stated that the

individuals they had purchased the Glock with affixed switch from had fired the firearm in fully automatic mode. When asked, CORREA answered “hell yeah” that the firearm was “wet all the way,” in the context being fully automatic. CORREA told the UCs that they were trying to acquire two FN Scar firearms the upcoming weekend and that they had firearm suppliers. RIVERA DE JESUS confirmed CORREA’S statement by stating they were attempting to get the “P90” and “Scar” this weekend. RIVERA DE JESUS was again armed with the Glock, model 20.

Over the course of this investigation, DE JESUS, CORREA, and CABRERA together offered, displayed, possessed, or sold a total of 23 firearms. ATF SA Ben Crocker requested a query pertaining to multiple undercover purchases of firearms conducted on multiple dates in October 2022 involving all three defendants. Industry Operations Investigator (IOI) Kimberly Shultz conducted a Federal Licensing System (FLS) Query of Angel Jose RIVERA DE JESUS, Alex Manuel CORREA, and Gibran [NMN] CABRERA. SA Crocker received confirmation from IOI Shultz that none of the three men have ever held a Federal Firearms License (FFL).

The Firearms Technology Criminal Branch of ATF examined the Glock, model 21Gen4, .45 caliber pistol, serial number STL147 (Exhibit 7) along with

the affixed Glock Switch (Exhibit 7A). Regarding Exhibit 7, the analyst determined the following:

Exhibit 7 is a .45 Auto caliber firearm, model 21 Gen 4, originally manufactured as a semiautomatic pistol by Glock, GmbH, in Austria and imported by Glock, Inc., in Smyrna, Georgia. My examination revealed Exhibit 7 has been modified by the replacement of the slide cover plate with a machinegun conversion device intended for use in converting a semiautomatic Glock-type to fire automatically. This device is hereafter referred to as Exhibit 7A. Further, Exhibit 7 has been modified to allow the “leg” of a machinegun conversion device to pass through during cycling of the slide. Material from the frame was removed in order for the “leg” of the device to clear the frame during operation.



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## Exhibit 7

### Markings

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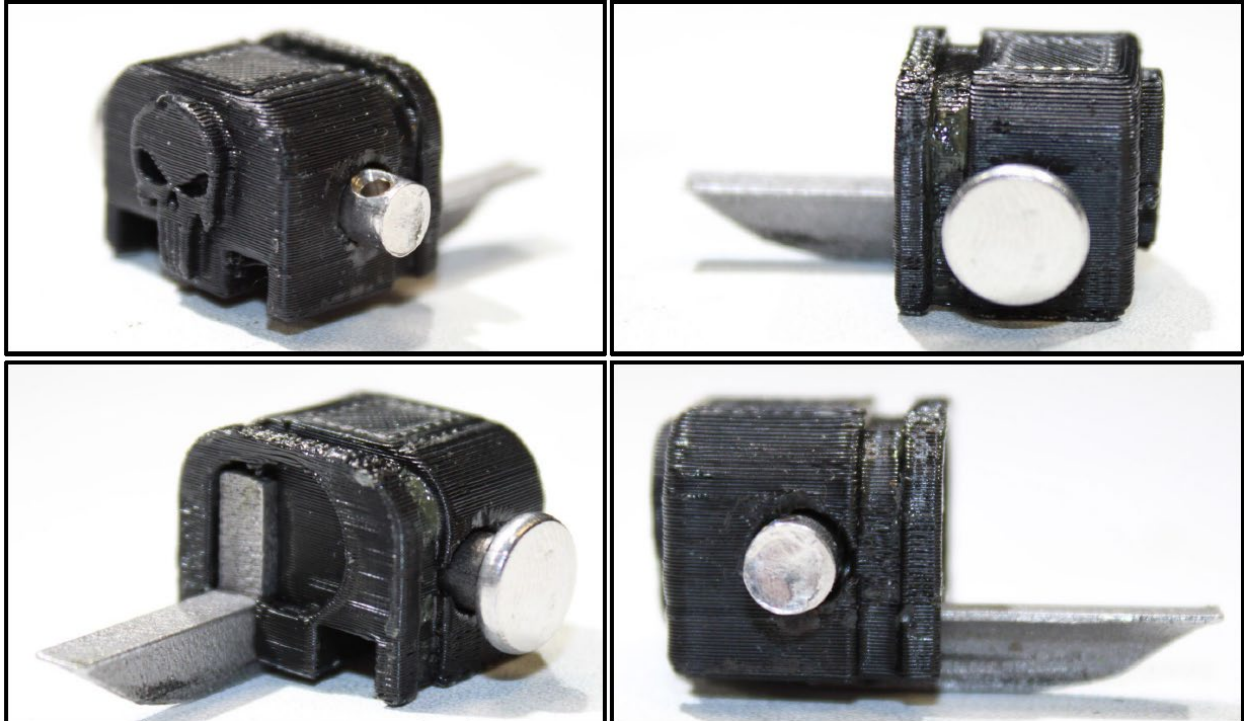
Regarding Exhibit 7A, the analyst determined the following:

Exhibit 7A is a machinegun conversion device commonly referred to as a *Glock Switch*. It is a device designed and intended to convert a semiautomatic, Glock-type pistol into a machinegun by utilizing an extended metal “leg” to push the trigger bar down and out of engagement with the firing pin as the slide closes, releasing the partially retracted

firing pin to travel forward and fire a cartridge. When the trigger is depressed, this device enables a Glock pistol to shoot automatically more than one shot, without manual reloading, by a single function of the trigger.

## Exhibit 7A

### Various Views



Finally, the Firearms Enforcement Officer who conducted the examination concluded as to Exhibit 7, the Glock, model 21Gen4 .45 caliber pistol, serial number STL147, with the affixed Glock Switch, and Exhibit 7A, the Glock Switch itself:

**Exhibit 7** is a weapon which will expel a projectile by the action of an explosive and contains the frame of such a weapon; therefore, it is a “**firearm**” as defined in 18 U.S.C. § 921(a)(3)(A) and (B).



**Exhibit 7**, with Exhibit 7A installed, is a “**machinegun**” as defined in 18 U.S.C. § 921(a)(24).

**Exhibit 7**, with Exhibit 7A installed, being a machinegun, is also a “**firearm**” as defined in 26 U.S.C. § 5845(a)(6).

**Exhibit 7**, with Exhibit 7A installed, is a weapon which shoots, automatically more than one shot, without manual reloading, by a single function of the trigger; therefore, it is a “**machinegun**” as defined in 26 U.S.C. § 5845(b).

**Exhibit 7A**, in and of itself, is a “**machinegun**” as defined in 18 U.S.C. § 921(a)(24).

**Exhibit 7A**, in and of itself, is a combination of parts designed and intended, for use in converting a weapon into a machinegun; therefore, it is a “**machinegun**” as defined in 26 U.S.C. § 5845(b).

**Exhibit 7A**, being a machinegun, is also a “**firearm**” as defined in 26 U.S.C. § 5845(a)(6).

**Exhibit 7A** bears no NFA manufacturers marks of identification or serial number as required by 26 U.S.C. § 5842.

Finally, a review by ATF of the National Firearms Registration and Transfer Record established that neither the Glock, model 21Gen4, .45 caliber pistol, serial number STL147, with the affixed Glock Switch, nor the Glock Switch itself had been properly registered by Angel Jose RIVERA DE JESUS, Alex Manuel CORREA, or Gibran [NMN] CABRERA.



This the 17th day of February, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 17, 2023, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Eugene E. Lester, III, Esq.  
Todd A. Smith, Esq.  
Mark A. Jones, Esq.

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